

In The United States District Court
For The Middle District of North Carolina

Brian David Hill,
Petitioner,

v.

Criminal/Civil Action no.
1:13-CR-435
1:17-CV-1036

United States of America,
Respondent,

Declaration of Brian David Hill in support of 2255 Motion
(Document #125) and Brief/Memorandum of law (Doc. #128)

I, Brian David Hill ("Brian", "Hill") produce these statements
under Oath, and subject to the penalties of perjury thereof:

I am Brian D. Hill, criminal defendant and 2255 Petitioner
in the case no. 1:13-CR-435 and case no 1:17-
CV-1036. In an attempt to do legal research at the
Law Library system of the Federal Correctional Institution¹
(FCI¹) in Butner, NC, to assist another inmate, I decided to
file case law and this Declaration explaining why my guilty
plea under Document #20 is invalid in ~~is~~ my case and as
to why my false guilty plea was involuntary and/or unintelligent.
My false guilty plea is the same as my false confession at
Mayadan Police Department, caused by my Autism Spectrum Disorder
and me being manipulated into saying things about myself that

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1 Declaration

wasn't true. Misinformation and ineffective assistance of counsel led to my false guilty plea. My former counsel of record Eric David Placke failed to show me all pages of the discovery evidence prior to false guilty plea on 6/10/2014. I didn't know that I had a chance to prove a false confession before my guilty plea. A fact of me giving a false confession, that my disability of Autism helped with causing me to falsely confess and may be able to be affirmed by mental health experts or even certified Medical Doctors would cause any reasonable juror to find me not guilty. Thus had counsel been effective in my case, I never would have been placed in a situation where I had falsely plead guilty. Because Mr. Placke never showed me all pages of the Brady material/discovery material prior to my guilty plea, I never knew that I could have proved false confession, and the download dates (July 20, 2012 to July 28, 2013) in the North Carolina State Bureau of Investigation report would prove that alleged computer activities had occurred during the date/time period when my computer was in law enforcement custody. I had plenty of arguments I could have made in favor of my innocence had counsel shown me all pages of my criminal case discovery material and allowed me to cross reference/examine such material prior to the jury trial set for June 9 to 10 in 2014. My due process was deprived prior to my false guilty plea. I plead guilty without understanding that I had a good chance of being found not guilty.

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Not being able to review over all pages of the discovery material means that I didn't know or understand the very information that the Government had used against me. I had plead guilty without being informed as to all pieces of evidence that the Government was using against me. I was misinformed by Mr. Placke. I feel that such guilty plea was unintelligent and was a fraud upon the court by my defense counsel and the Government. Had me and my family reviewed over all discovery material pages prior to jury trial set in 2014, I never would have plead guilty. That violated my due process right and such deprivation of my due process led to my false guilty plea. Counsel failed to make any arguments in favor of proving any facts of my innocence prior to begging me to plead guilty in 2014. Failed to come up with case strategy for trial, had no defense planned, yet my 2255 brief provides credible arguments and evidence in my favor. My guilty plea was false and was unintelligent with lack of information as I was mislead by Counsel Mr. Placke and misinformed by Counsel.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 7, 2019.

Stanley's blog:
JusticeForUSWGO.wordpress.com

Brian D. Hill
Signed

Brian David Hill
FCI¹ Butner #29947-057
P.O. Box 1000
Butner, NC 27509

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